

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER  
BASIN DEVELOPMENT COMMISSION  
HELD FRIDAY, JANUARY 22, 2021  
2:30 P.M. CST/3:30 P.M. EST**

**CONDUCTED ELECTRONICALLY UNDER EXECUTIVE ORDER 20-09**

John McNamara, Chair, called the meeting to order at 2:30 p.m. CST.

Scott Pelath, Executive Director, explained the electronic meeting procedures.

Mike Novotney, Secretary, called the roll.

*Members Present at Roll Call*

Bill Crase	Rob Churchill	John Coulter, Sr.	Craig Cultice
Bill Emerson	John McNamara	Ryan Mueller	Mike Novotney
James Walstra	John Shure (IL)		

*Staff Present*

Scott Pelath

Mr. Novotney stated the presence of a quorum.

**Approval of minutes from November 19, 2020, meeting**

*Jim Walstra moved that the minutes be adopted. Ryan Mueller seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

**Finance Report/Budget Presentation**

Mr. Pelath presented the proposed CY 2021 budget, a financial report, and a list of claims that either were paid or needed to be paid since the previous meeting. The proposed budget and a written financial report were distributed in advance of the meeting [contained in the Executive Director's Report ATTACHMENT 1].

*John Coulter moved that the Commission adopt the proposed budget for CY 2021. Bill Emerson seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

*Mr. Mueller moved that the Commission approve the listed claims and accept the financial report. Rob Churchill seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Renewal of accounting contract with NIRPC**

Mr. Pelath presented a revised contract for accounting services with the Northwest Indiana Regional Planning Commission (NIRPC) [ATTACHMENT 2]. He noted that the contract amount was substantially lower in comparison to the previous contract. Since the electronic accounting system is now created and functioning, the weekly workload demands have decreased.

*Mr. Walstra moved that the Commission approve the revised accounting contract with NIRPC. Craig Cultice seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Expected assessment forecast**

Mr. Pelath noted that due to various data uncertainties, he had budgeted for eighty-five-percent (85%) of the state-projected assessment revenue. He also noted that legislative adjustments might improve state assessment schedule equity between industrial and commercial parcels. Therefore, Mr. Pelath requested permission from the Commission to work with state lawmakers on possible improvements.

*Mr. Emerson moved that the Executive Director be empowered to work with legislators to evaluate and consider possible adjustments to the state assessment schedule. Mr. Mueller seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **OLD BUSINESS**

#### **Jasper County FEMA Project**

Mr. Walstra reported work is currently halted due to winter conditions. However, he did convey that he and Mr. Pelath had discussed a possible alteration of the Commission's payment schedule for the local funding share. Due to COVID, FEMA reportedly has been slow in reimbursements, and Mr. Walstra conveyed concern that due to cashflow limitations, it could jeopardize completion of the work in the timeframe necessary for full federal funding.

Mr. Pelath suggested that if the payment schedule under the Commission-Jasper County Memorandum of Understanding required any acceleration, at a future meeting, the Commission could consider the use of reserve funds to ensure compliance with FEMA time constraints.

#### **Yellow River project design update**

The chair introduced Ross St. Clair from Cardno, who gave a report on the design progress for Phase I of the Yellow River bank reconstruction. Mr. St. Clair also reported on the pre-

permitting site visit with relevant regulators held under SEA 368. The design and project are currently meeting the established timetables.

### **Bank stability at LaSalle Fish and Wildlife Area**

Mr. Pelath presented three bids [ATTACHMENT 3] to remove fallen and severely leaning trees on approximately 1.8 miles of bank at the LaSalle Fish and Wildlife Area.

*Bill Crase moved that M&K Excavating, LLC, be selected to perform the work as the lowest, most responsible and responsive bidder. Mr. Coulter seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Reinforcement of berm on River's Edge property**

Mr. Pelath presented Technical Advisory Committee Recommendation 4-2020 [ATTACHMENT 4] pertaining to repair of the berm adjacent to Jim Deardorff's property at River's Edge Farm. Based on a quote, limited repairs could be made for less than \$6,000.

Mr. Deardorff previously reported to the Technical Advisory Committee on the excessive crop residue that covers his property through a low section during flood events. John Coulter expressed that the Commission should strive to be a good neighbor.

*Mr. Crase moved that the Commission accept Technical Advisory Committee Recommendation 4-2020 and make the recommended repair. Mr. Coulter seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Grand Marsh Park Streambank Restoration in Lake County**

The Commission previously approved the project and allocated funding in the CY 2021 budget. Bill Emerson reported that a permit from the Indiana Department of Natural Resources is the only approval not yet issued. He currently is working with the Lake County Drainage Board to determine a commencement date for the project.

## **NEW BUSINESS**

### **Bank access in Porter County**

Mr. Pelath presented Technical Advisory Committee Recommendation 5-2020 [ATTACHMENT 5] to approve and fund Porter County Stormwater Management's bank access project on the Kankakee River.

Mr. Novotney explained the scope and intent of the work as describe in the written plan. Mr. Pelath noted that funding for the project was already contained in the approved CY 2021 budget, and anticipated that funds would be available for future extension of the project.

*Mr. Crase moved that the Commission accept Technical Advisory Committee Recommendation 5-2020 and approve the requested amount of funding. Mr. Emerson seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Grant of easement for bridge in Marshall County**

Mr. Pelath presented the City of Plymouth's request for use of the Commission's easement for rehabilitation of a foot bridge across the Yellow River.

*Mr. Crase moved that the Commission grant the City of Plymouth use of the easement for rehabilitation of the foot bridge. Mr. Novotney seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Grants of easement for kayak launch construction**

Mr. Pelath reported that the Starke County Parks Department intends to build five kayak launches on its properties along the Yellow River. Mr. Pelath suggested that the easement be granted for that purpose, contingent upon the issuance of required permits.

*Mr. Emerson moved that contingent upon the issuance of permits, the Commission grant the Starke County Parks Department use of the easement for construction of kayak launches. Mr. Novotney seconded the motion.*

MOTION ADOPTED BY VOICE VOTE

### **Possible dollar match for bank revegetation grant application**

Mr. Pelath reported that he had prepared an application to the Natural Resources Conservation Service (NRCS) for an Indiana Conservation Partners grant of \$50,000 to be matched with \$25,000 in Commission funds. The grant would be intended to hydroseed at least ten miles of Kankakee River and Yellow River banks with native, bank stabilizing vegetation. Mr. Pelath requested permission to submit the application and the commitment of matching funds.

Mr. Pelath pointed out that the CY 2021 budget already set aside \$25,000 for hydroseeding of the banks.

*Mr. Walstra moved that the Executive Director be allowed to submit the application with a \$25,000 matching funding commitment from the Commission. Mr. Emerson seconded the motion.*

MOTION ADOPTED BY VOICE VOTE

## **OTHER BUSINESS**

None

## **EXECUTIVE DIRECTOR'S REPORT**

A written report [ATTACHMENT 1] was distributed prior to the meeting.

## **PUBLIC COMMENT**

None

## **NEXT MEETING**

The next meeting date, location, and format was to be determined.

## **ADJOURNMENT**

The meeting adjourned at 3:38 p.m. CST.

## ATTACHMENT 1

### EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members  
From: Scott D. Pelath, Executive Director  
Date: January 19, 2021

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The coming year is a momentous one for the Commission. Our first multi-million-dollar bank reconstruction is under design, and the commencement of construction remains a realistic possibility. We will begin the transition to a new, long-term funding stream. Finally, we maintain a role in helping Indiana emerge from the pandemic through ongoing work and project development.

#### Finance Report

**State Budget.** Governor Holcomb and the State Budget Agency have recommended a \$28,000 annual increase in our administrative appropriation. I requested the amount in light of the Commission's expanded duties under state statute. The former, baseline appropriation was relative our legal predecessor's duties, and I am gratified that state executives believed it was a reasonable case amid fiscal pressures.

The legislature still must act on the Governor's recommendations, but it is a positive sign. A reasonable administrative structure is necessary for the effective planning, distribution, and oversight of capital resources.

**Commission Budget.** After a period of consideration and information gathering, I ultimately decided that I would recommend a calendar-year budget for CY2021. I originally had hoped to transition to fiscal year budgeting, the potential interfacing difficulties with the State Board Accounts system deflated the idea.

Drafted in consultation with the Executive Committee, the draft budget below is my best reflection of current and future Commission priorities. A number of things merit highlighting:

- 1) Assessment revenue is budgeted separately from other revenues.
- 2) I had to make a cautious estimate of how much assessment revenue we will receive. My assumptions were that the Commission will receive 85% of amounts projected by the state, and that we would receive none of the revenue from the November tax bills. Therefore, I recommended budgeted 85% of 50%, or 42.5%, of state estimates.

- 3) After July 1, I recommended paying for river gages out of assessment revenue. Likewise, I recommend setting aside \$700,000 in assessment dollars for Yellow River project financing, and add \$200,000 in assessment revenue to \$250,000 in state revenue for Grand Kankakee Marsh Park bank repair.
- 4) Approximately \$350,000 in state dollars and previous commission funds are kept in reserve for flood contingencies and other unforeseen demands.
- 5) Previous allocations from the CY2020 are substantially kept in place, with the notable addition of the Lake County bank repair.
- 6) For human resources, a salary freeze remains in effect. Furthermore, the allocation for health insurance is reduced by approximately \$3600 by raising the individual policy deductible. Furthermore, the cost of our accounting contract is reduced by over 50% now that the new, electronic accounting system is established and operational.
- 7) At a minimum, I recommend paying our full share of Jasper County's FEMA project by the middle of the year. They have financing considerations, and given the ebb and flow of local government transactions, it is possible that the November assessment revenue may not arrive until CY2022. This is a transition consideration.

<b>CY2020 KRB-YRBDC BUDGET; NON-ASSESSMENT DOLLARS</b>		
<b>JANUARY 1 STARTING BALANCE</b>		<b>\$ 1,865,734.83</b>
<b>FUNDS HELD IN RESERVE UNTIL JULY 1</b>		<b>\$ 339,428.62</b>
<b>AVAILABLE STARTING BALANCE</b>		<b>\$ 1,526,306.21</b>
<b>REVENUE</b>		<b><u>FY21 PLAN</u></b>
Jasper		2,700.00
Lake		5,450.00
La Porte		11,350.00
Marshall		7,750.00
Newton		2,700.00
Porter		5,500.00
St. Joseph		6,650.00
Starke		6,800.00
Rental on River Edge Farm		48,800.00
State Administrative Allocation		46,043.92
NIPSCO Gage Reimbursement		60,248.00
<b>INTEREST</b>		
<b>TOTAL:</b>		<b>1,730,298.13</b>

<b>EXPENDITURES</b>		
<u>OPERATIONAL</u>		
USGS River Gages		61,948.00
Porter County Logjam Management Pilot Project		149,100.00
LaPorte/Starke/FWA Channel Maintenance		220,908.49
Yellow River Logjam Management and Channel Maintenance		193,669.00
Uncommitted Logjam Management and Channel Maintenance		356,758.75
Yellow River Design and Permitting		109,297.50
Grand Marsh Park Bank Repair		250,000.00
Burke Retainer		37,071.75
Discretionary Debris and Logjam Removal		48,500.00
Newton County Emergency Bank Repair Compliance		30,000.00
Technical Assistance Grant Matching Funds		6,000.00
Invasive Species Tree Replacement Pilot		3,000.00
Hyrdoseeding Test in Jasper County		4,000.00
Property Maintenance		6,948.00
Tree Seedlings for Mitigation		2,000.00
Porter County Channel Access		27,500.00
Revegetation/Seed		25,000.00
<u>ADMINISTRATIVE</u>		
NIRPC Accounting Contract		15,300.00
State Board of Accounts		850.00
Accounting System		1,848.00
Office/Copying/Postage		400.00
Executive Director		115,008.00
Payroll Taxes (FICA, SUTA)		9,048.40
Workers Compensation Coverage		500.00
Employee Health Insurance		17,592.00
PERF		3,450.24
Meeting Expenses, Staff Mileage		6,000.00
Member Per Diem and Mileage		3,000.00
Website and Communications Software		600.00
Education/River Days		20,000.00
Legal and Professional Services		5,000.00
TOTAL:		<b>1,730,298.13</b>
TOTAL SURPLUS:		<b>\$0.00</b>
<u>RESERVE FUND BREAKDOWN</u>		
Administrative Reserve		41,455.57
Flood Emergency Reserve		155,626.83
County Emergency Support		142,346.22



<b><u>CY2020 KRB-YRBDC BUDGET; ASSESSMENT DOLLARS</u></b>		
<b>ESTIMATED JULY 1 STARTING BALANCE (HALF YEAR)</b>		1,285,080.48
Jasper County		95,069.00
Lake County		182,026.65
LaPorte County		300,740.20
Marshall County		249,121.40
Newton County		44,049.13
Porter County		127,899.93
St. Joseph County		160,599.85
Starke County		125,574.33
<b>TOTAL:</b>		1,285,080.48
<b>EXPENDITURES</b>		
Grand Marsh Park Bank Repair		200,000.00
Yellow River Phase I Bank Reconstruction		700,000.00
River Gages		61,948.00
Jasper County FEMA Local Match Support		95,000.00
Channel Maintenance		50,000.00
Yellow River Phase II Design and Permitting		130,000.00
Technical Services and Permitting		48,132.48
<b>TOTAL:</b>		1,285,080.48
<b>TOTAL SURPLUS:</b>		<b>\$0.00</b>

**Assessments.** The regional drainage assessment under IC 14-13-9 takes effect this year. I currently am working with any counties that request assistance with their preparation.

Lawmakers anticipated that some equity adjustments in the assessment structure could be necessary. In order to better advise lawmakers on possible changes, I presently am gathering data from counties that are able to share information. The goal is to minimize any obvious inequities that could not be calculated or predicted at the time the law was passed.

The problem is that given the math, I cannot see any solutions that due not lead to a loss of some revenue. Fortunately, the Commission has never assumed that the revenue yields would match the original state projections, and our draft budget reflects that.

**Other Revenue.** In December, we received a \$15,000 gage reimbursement from NIPSCO and our quarterly administrative distribution from the state. As of the date of this memo, the November rent payment on the River's Edge Farm has not been remitted.

**Grant Application.** I have substantially completed an application for \$50,000 from the Natural Resources Conservation Service to hydroseed at least ten miles of streambank.

**Recent claims.** Below is the current list of claims for river work and administrative expenses requiring either advance or retroactive approval by the Commission:

Claims to be approved as of 1/19/21					
PO #	DATE	TO	DESCRIPTION	AMOUNT	CHECK #
156-20	9/30/2020	Scott Pelath	Payroll Sept 16-30	\$3,872.81	EFT
157-20	11/23/2020	Indiana Dept of Rev	Payroll tax 2019 pymt	\$19.88	EFT
158-20	11/30/2020	INPRS	2nd Nov Payroll Contribution	\$143.76	EFT
159-20	11/30/2020	Scott Pelath	Payroll 2nd November	\$3,643.48	EFT
160-20	12/15/20	Scott Pelath	Payroll 1st December	\$3,643.46	EFT
161-20	12/31/20	Scott Pelath	Payroll 2nd December	\$3,643.48	EFT
162-20	12/10/20	American Express Blue Business Cash	Arbor Day Foundation, QB, Lindos, BASIC	675.98	EFT
163-20	12/2/2020	Ambetter Health Ins	Health Insurance	\$2,185.15	Auto-EFT
164-20	12/4/2020	Internal Revenue Service	Federal Payroll Taxes	\$1,103.24	EFT
165-20	12/10/2020	CNA Surety	Bill Crase Treasurer Bond	\$800.00	pd online
166-20	12/18/20	Postmasters	Printing Services	\$0.47	
167-20	12/4/2020	Indiana Dept of Rev	Indiana State Taxes	\$386.68	EFT
168-20	12/18/2020	Internal Revenue Service	Federal Payroll Taxes	\$1,103.28	EFT
01-21	1/4/21	NIRPC	Sept-Dec 2020 Accounting Services	\$12,056.80	
02-21	1/15/21	Scott Pelath	Payroll 1/1/21-1/15/21	\$3,645.10	
03-21	12/3/20	Cardno	Permit design & apps INV 303470	\$9,824.48	
04-21	12/9/20	Christopher Burke Engineering	Haul Road Assessment INV 20697	\$3,268.75	
05-21	1/12/20	American Express	CC Meeting food, QB, Adobe & Hartford	\$732.59	paid automatically
06-21	12/15/20	INPRS	1st Dec INPRS Contribution	\$143.76	PD ONLINE
07-21	12/28/20	Dirt Works Excavating	Removal of fill to build roadway	\$27,500.00	
08-21	12/31/20	INPRS	2nd Dec INPRS Contribution	\$143.76	pd online
09-21	12/23/20	Scott Pelath	Mileage Reimbursement Nov 12-Dec 22	\$377.69	
10-21	1/5/21	LaPorte County SWCD	Contribution of Funds for LaPorte SWCD Grant	\$6,000.00	
11-21	1/6/21	Cardno	INV 305157 Yellow River Bank Mitigation Project	\$44,441.49	
12-21	1/18/20	Christopher Burke Engineering	INV20993 Wetland permitting & haul road removal plan	\$4,796.50	
13-21	1/19/21	Ingram Excavating	Logjam removal	\$3,365.00	
14-21	1/4/21	Ambetter	Health Insurance	\$1,832.89	Auto-EFT
15-21	1/19/21	AI Allsop Construction Inc.	Kankakee Tree Removal Section B	\$8,400.00	
16-21	1/19/21	AI Allsop Construction Inc.	Kankakee Tree Removal Section C	\$39,300.00	

## **Yellow River project**

In December, members of the Commission and representatives of Cardno met with IDEM, DNR, and the Corps of Engineers about our Yellow River project.

There are no insurmountable barriers in the permitting process. Although new EPA rules have somewhat shackled IDEM's flexibility, the overall tenor was positive. Much of the discussion surrounded access points.

On January 28, Cardo will provide Craig Cultice, Bill Crase, and I will a status report. They presently are nearing 60% completion of the design, and have already assembled some preliminary bid documents.

### **Logjam Management**

As I announced previously, the Corps of Engineers has granted the Commission a 10-year permit to conduct logjam management activities under a prescribed set of guidelines, which are substantially similar to practices we recommended.

The Corps added two provisions of special note. First, I must submit a report at the beginning of the year explaining expected work, and a second report at the end of the year detailing work completed.

Secondly, contractors will be expected to attend a training session near the beginning of every year. The purposed is merely to ensure compliance and uniformity of process.

Allsop Excavating is continuing to remove fallen and leaning trees in the vicinity of State Road 39. We also have removed two major logjams near U.S. 6, and several other downstream logjams are slated for removal.

Finally, I have opened three sealed bids to conduct logjam management on two miles of Newton County bank at the LaSalle Fish and Wildlife Area. They will be submitted to the Commission for consideration of the lowest, most responsible and responsive bidder.

### **Emergency Bank Repairs**

**Newton County.** NRCS requested that fill be removed from their easement and moved to ours. The work is now complete, and the project is essentially complete. The final step is to reseed the access path in the spring.

Burke is assistance with completion of the retroactive permitting for the emergency project.

**Sumava Resorts.** The new Newton County Surveyor, Steve Snell, and I are planning to call an SEA 368 meeting for two sections of bank. One barrier has been the unavailability of affected property owners; the other has been the expiration of a Corps permit to the bank several years ago. An existing structure also sits on the easement, and may interfere with any repairs.

### **Grand Marsh Park Bank Reconstruction and Stabilization**

Once the budget is finalized, Lake County may be prepared to select a contractor and move forward with the project. However, it must be noted that permitting still must be issued.

## **Trees and Vegetation**

I have not yet ordered seedlings for tree mitigation, simply because I have a logistical challenge in storing that many seedlings and getting them planted before they lose viability. Therefore, purchases may be piecemeal. I also seek further guidance from the Corps of Engineers regarding placement.

## **Berm at River's Edge Property Adjacent to the Deardorff Property**

Since the previous commission assumed some responsibility for the berm, the Technical Advisory Committee recommended that the lowest spot on the berm be increased by 1'. A 2' increase was deemed to be cost prohibitive for the additional risk management value.

## **Porter County Bank Access**

The Technical Advisory Committee strongly recommended Mike Novotney plan to expand bank access in Porter County. The cost of the initial phase is only \$27,500. It is a good project with lasting value. I recommend funding.

## **Grants of Easement**

We have two requests for use of our easement, both laudable. The first is for a foot bridge over the Yellow River in Plymouth. The second is for the construction of several Yellow River kayak launches by the Starke County Parks Department. I do not have any hesitation about either instance. They both have value to those we serve, and I see a formal grant of our easement as an opportunity to support them.

## **Bridges**

I inquired with Norfolk Southern about the possible future removal of the railroad bridge at Schneider. While they confirmed it is no longer in service, apparently the federal government still regulates it through the Surface Transportation Board, as thus is ineligible for removal. The next step is to learn how it might be removed from federal oversight.

## **Public Information Meetings**

As I reported previously, the Attorney General's office advised that our public information requirements can be delayed, modified, or extended. The plan is to resume then when the public health situation permits.

As always, should you have any questions or suggestions, please email me at [sdpelath@gmail.com](mailto:sdpelath@gmail.com) or (219) 861-7999. In order to maintain focus and brevity during our electronic meeting, I welcome any issues I can resolve in advance.

## ATTACHMENT 2

### **AGREEMENT BETWEEN THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION AND THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT COMMISSION FOR THE PROVISIONS OF GENERAL SERVICES**

**BY AGREEMENT MADE AND ENTERED INTO**, on the date of January 1, 2021, by and between the NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION, hereinafter referred to as “NIRPC” and the KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT COMMISSION: hereinafter referred to as “KRBYRBDC” under the terms and conditions hereinafter set forth, the following is hereby agreed:

- A. NIRPC shall provide the KRBYRBDC with accounting services and assistance as is required by the KRBYRBDC to carry out its purposes under its enabling statute.
  - 1. KRBYRBDC will purchase and maintain, at its own expense, a subscription to QuickBooks Online Payroll Premium for three (3) users through the duration of the contract for NIRPC’s use in providing KRBYRBDC with accounting services and assistance.
- B. In conjunction with the above, NIRPC shall provide the following financial management assistance to the KRBYRBDC and shall be compensated for such service by the KRBYRBDC at the monthly rate of one thousand two hundred and seventy-five dollars per month (\$1,275) for a total annual base cost of \$15,300. The minimum monthly rate is based on fifteen hours of accounting services per month. Additional hours required above 15 will be billed at a rate of \$85/hour. See Exhibit A. To the extent identified in this agreement, NIRPC shall:
  - 1. Aid the KRBYRBDC in preparation of its budget, and provide accounting services for the receipt, investment and disbursement of its funds, all in accordance with applicable State Board of Accounts guidelines, statute, and the internal control policy and guidelines set out by the Commission herein or otherwise.
  - 2. Deposit KRBYRBDC funds in the name of the KRBYRBDC and in depositories designated by the KRBYRBDC.
  - 3. Disburse KRBYRBDC funds only upon authorization to do so by the KRBYRBDC and presentation of a State Board of Accounts standard claim form signed by at least two (2) Commission members and approved by the KRBYRBDC. Checks shall be drawn from an account in the KRBYRBDC’s name and shall be signed by two authorized officials. Standard turnaround time for check production is 3 days. Checks required in less time may result in additional hourly fees.

- C. NIRPC shall be reimbursed for reasonable travel expenses, at the state of Indiana mileage reimbursement rate of \$0.38 per mile. (<https://www.in.gov/idoa>), incurred in connection with attending KRBYRBDC board and committee meetings, as well as travel on other KRBYRBDC business at the request of Director of the Kankakee River Basin Commission.
- D. NIRPC shall make available to the KRBYRBDC the use of its postage machine. Actual postage cost shall be billed to the KRBYRBDC.
- E. NIRPC shall make available the use of its copy machines. Use of this equipment will be billed at the rate of \$5.00 per month plus \$.06 per black & white copies and \$.20 per copy for color copies.
- F. NIRPC may make available additional space or other services to the KRBYRBDC on a direct charge basis. NIRPC shall bill the KRBYRBDC for such services on a basis that is mutually agreed to by the parties.
- G. NIRPC shall provide itemized monthly billings for services performed. Payment shall be due within thirty (30) days after billing.
- H. This agreement may be amended by mutual agreement of the parties. Amendments shall be in writing.
- I. This agreement shall be effective January 1, 2021 and terminate December 31, 2021. However, either party may terminate the agreement at an earlier date by providing a written notice of intent at least sixty (60) days prior to an effective termination date, which shall coincide with the last day of a calendar month.

KRBYRBDC shall have the option to extend this agreement for the period of one year with monthly base rate increased to \$1,313.25 and hourly overage rate of \$87.55

**NORTHWESTERN INDIANA REGIONAL  
PLANNING COMMISSION**

**By:**

\_\_\_\_\_

**Tyson Warner  
Executive Director**

**Date:** \_\_\_\_\_

**KANKAKEE RIVER BASIN YELLOW  
RIVER BASIN DEVELOPMENT  
COMMISSION**

**By:**

\_\_\_\_\_

**Chair**

**Date:** \_\_\_\_\_

**EXHIBIT A****STAFF COSTS**

Staff costs are estimated as follows below:

Staff Accountant @ \$30.80/hr Salary	Monthly hours	Annual hours	Salary	Fringe	Indirect (Overhead)	Total
2021	15	180	\$ 5,544	\$ 4,878	\$ 4,878	\$ 15,300
2022 Option						
2022	15	180	\$5,710	\$ 5,024.50	\$ 5024.50	\$ 15,759

### ATTACHMENT 3



#### **Austgen Equipment, Inc.**

11309 BROADWAY, SUITE C3  
CROWN POINT, IN 46307  
PHONE: 219-213-2389 FAX: 219-779-9623  
Commercial Supplier of Sand/Gravel/Clay & Aggregates  
Excavation & Trucking Contractor, Pavement  
Breaking, Material Handling, Concrete Crushing,  
Recycling & Screening



#### **Tree Removal at LaSalle Fish & Wildlife Area Proposal**

Kankakee River Basin and Yellow  
River Basin Development Commission  
6100 Southport Road  
Portage, IN 46368

December 4, 2020

Attention: Scott

We are pleased to quote the following. Please call or email with any questions.

- Clear, remove and place on the opposite bank (in green areas designated by property officials) approximately 532 trees that are leaning or already down.
- Our crew will consist of 2 operators, 2 laborers, long stick excavator and a bobcat.
- All fresh cut stumps will be treated with Garlon 4.
- We acknowledge Addendum 1.

**\$82,174 TOTAL**

Eighty Two Thousand One Hundred Seventy Four Dollars

#### **CLARIFICATION:**

- No permits or bonds,

If you have any questions, please contact our office: 219-213-2389

Respectfully Submitted

  
David J Austgen



## M & K Excavating LLC

631 E 1000 S  
Kouts, IN 46347

## Bid

Date	Bid #
12/3/2020	13

Name / Address
KANKAKEE RIVER BASIN, YELLOW RIVER BASIN 6100 Southport Road Portage, Indiana 46368

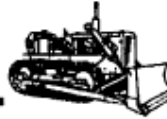


Phone #	Project
Mark Wittmer 219-405-5796	

Qty	Item	Description	Rate	Amount	Discount	Total
	Bid	Grind or cut and remove proximately 500 trees that are leaning and or falling in the river along the project area.	43,000.00	43,000.00		43,000.00
Thank you for your business.				<b>Total</b>		<b>\$43,000.00</b>

Acceptance Signature \_\_\_\_\_

# VJ Misch EXCAVATING, Inc.



BILL MISCH

HOME: 219-956-3402  
BUSINESS: 219-956-2416

337 N. 100 W.

Wheatfield, IN 46392

KANKAKEE RIVER BASIN  
6100 Southport Rd  
Portage In 46368

INVOICE DATE	12/4/2020
YOUR ORDER NO.	
TERMS	F.O.B.
SALESMAN	

SHIPPED TO		SHIPPED VIA	PPD OR COLL.
QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Remove Trees per Plans LASHLE FISH AND Wildlife Area  Bid Proposal		73,500. <sup>00</sup>
		TOTAL	73,500. <sup>00</sup>

## **ATTACHMENT 4**

### **RECOMMENDATION 4-2020**

To: Kankakee River Basin and Yellow River Basin Development Commission  
From: Technical Advisory Committee  
Subject: Berm Adjacent to Deardorff Property at River's Edge Farm  
Date: December 17, 2020

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**DESCRIPTION:** Jim Deardorff has requested additional repair to the berm that separates the River's Edge Farm from his property. During the 2018 flood, significant amounts of crop residue entered his property, and as a neighbor, he requested improvements to the berm height.

Porter County Surveyor Kevin Breitzke completed analysis and drawings of the berm, and found that a 2' increase would be necessary to bring the berm to uniform height, but that a 1' increase of the lowest section would require significantly less material and would provide some additional protection.

The Commission's legal predecessor, the Kankakee River Basin Commission, accepted some responsibility for the berm through its actions to improve it in the past.

**LOCATION:** Porter County, Indiana

**ISSUE:** The Committee took testimony for Mr. Deardorff and reviewed photographs of his dilemma. The Committee weighed potential costs against marginal increase in flood protection value.

**RECOMMENDATION:** The Committee recommended that the lowest section of the berm be raised to 658', or 1' foot higher than the current lowest point.

**ADOPTED BY COMMITTEE 12/17/2020.**

## **ATTACHMENT 5**

### **RECOMMENDATION 5-2020**

To: Kankakee River Basin and Yellow River Basin Development Commission  
From: Technical Advisory Committee  
Subject: Porter County Bank Access  
Date: December 17, 2020

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**DESCRIPTION:** Commission Secretary Mike Novotney presented a plan [ATTACHED] to improve and extend bank access in Porter County.

**LOCATION:** Porter County, Indiana

**ISSUE:** Bank access is a common barrier to maintaining the safety of the channel. The Committee considered if the proposal has lasting value for the costs cited.

**RECOMMENDATION:** The Committee strongly recommends that the Commission approve the plan and allocate the requested amount of \$27,500 for Phase I of the project.

**ADOPTED BY COMMITTEE 12/17/2020.**



MEMORANDUM

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To: Kankakee River Basin & Yellow River Basin Development Commission  
Technical Advisory Committee

From: Michael E. Novotney, PE

Date: December 15, 2020

Subject: Proposed Kankakee River Maintenance Access Route Extension  
Dunns Bridge to SR 49

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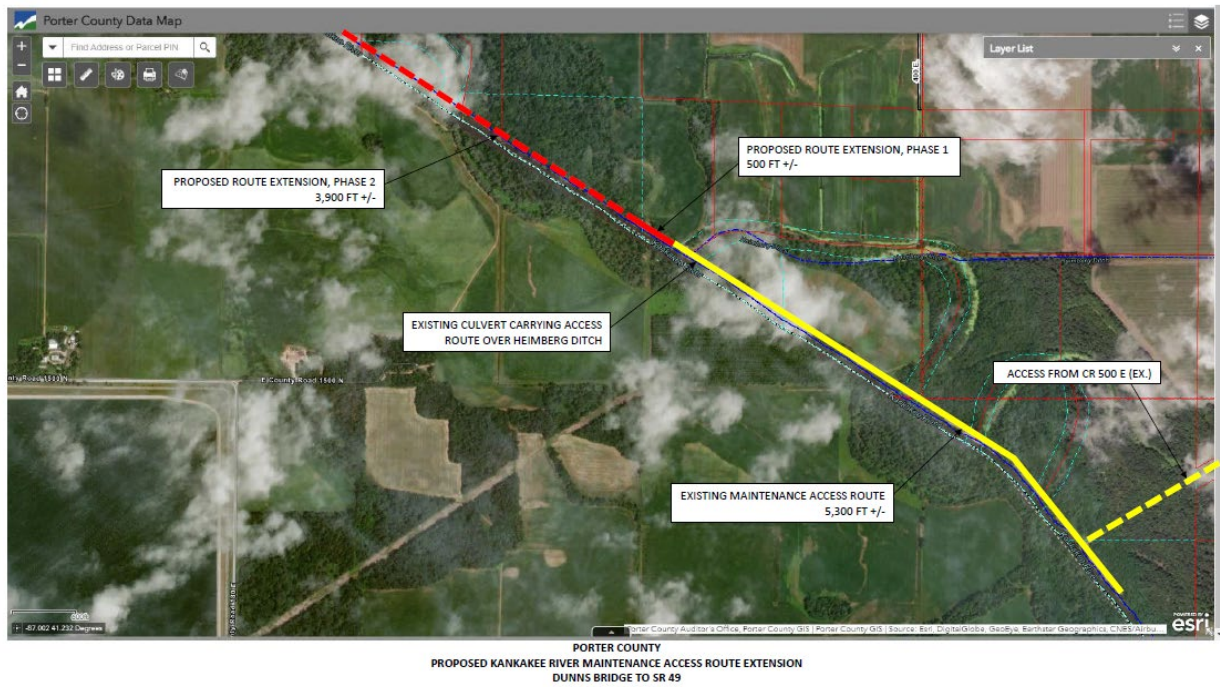
Committee Members,

Porter County is seeking the Technical Advisory Committee's support of a proposed extension of an existing maintenance access route located along the top of the north bank of the Kankakee River between Dunns Bridge and SR 49. As shown in the attached exhibits, two maintenance access routes currently exist along this stream reach, including a 1 MI long route located generally between the old Chicago & Indiana Coal Railroad ("Coal Road") and the Heimberg Ditch, and a 3,900 FT long access route located further downstream. There is an existing culvert in place carrying the access route over the Heimberg Ditch.

These two access routes are separated by a 4,400 FT long section of wooded, unimproved spoil pile berm. Porter County is proposing to connect the two maintenance access routes as the first step toward stabilizing significant stretches of unstable stream banks located within this stream reach, as identified in Exhibit 3 (Sheets 8 & 9) of the Work Plan (attached). These locations are currently severely eroded and appear to be contributing a significant volume of sediment to the river. Future erosion and sediment loss and, potentially, bank failures, should be anticipated in these locations until they can be stabilized. Extension of and connection of the existing access routes would allow equipment and materials to reach these locations so that they may be stabilized.

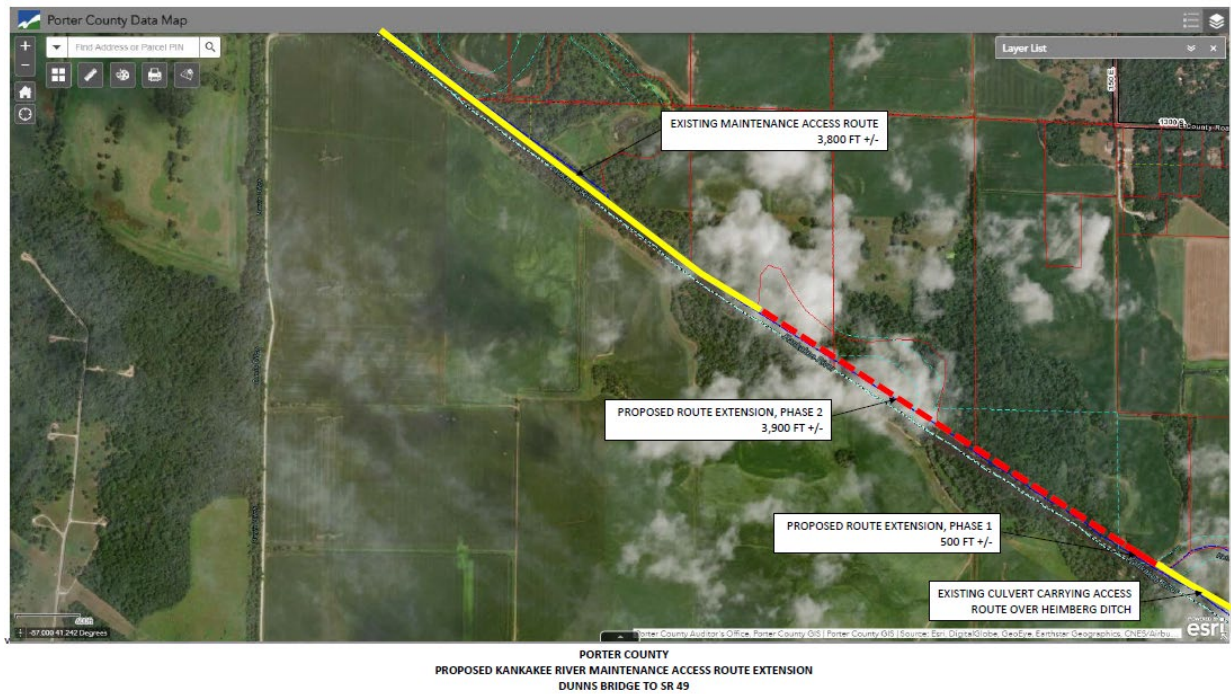
Porter County is proposing to construct the maintenance access route extension in two phases, the first of which would be approx. 600 FT long and avoids mapped wetland areas, but requires the relocation of existing utilities and associated improvements, and the second of which would be approx. 3,900 FT long and involves work within mapped wetland areas. The construction of the maintenance access route generally includes clearing and tree removal as well as grading work to level the existing unimproved spoil pile berm in order to create a 12 FT to 15 FT wide access route. Excluding the streamside improvements depicted therein, Figure 14 of the Work Plan illustrates the general stream bank cross-section that would result from the construction of the maintenance access route.

At this time, Porter County is seeking the Committee's support of the proposed maintenance access route extension. The extension of the maintenance access route will allow for the future stabilization of several lengthy reaches of severe stream bank erosion, as identified within and in accordance with the Work Plan. Porter County will also be seeking the Commission's financial support for Phase 1 of the proposed access route extension, in the amount of \$27,500.00, which is based on a preliminary opinion of probable construction cost for the project.



Porter Co. Department of Development & SWM  
December 2020

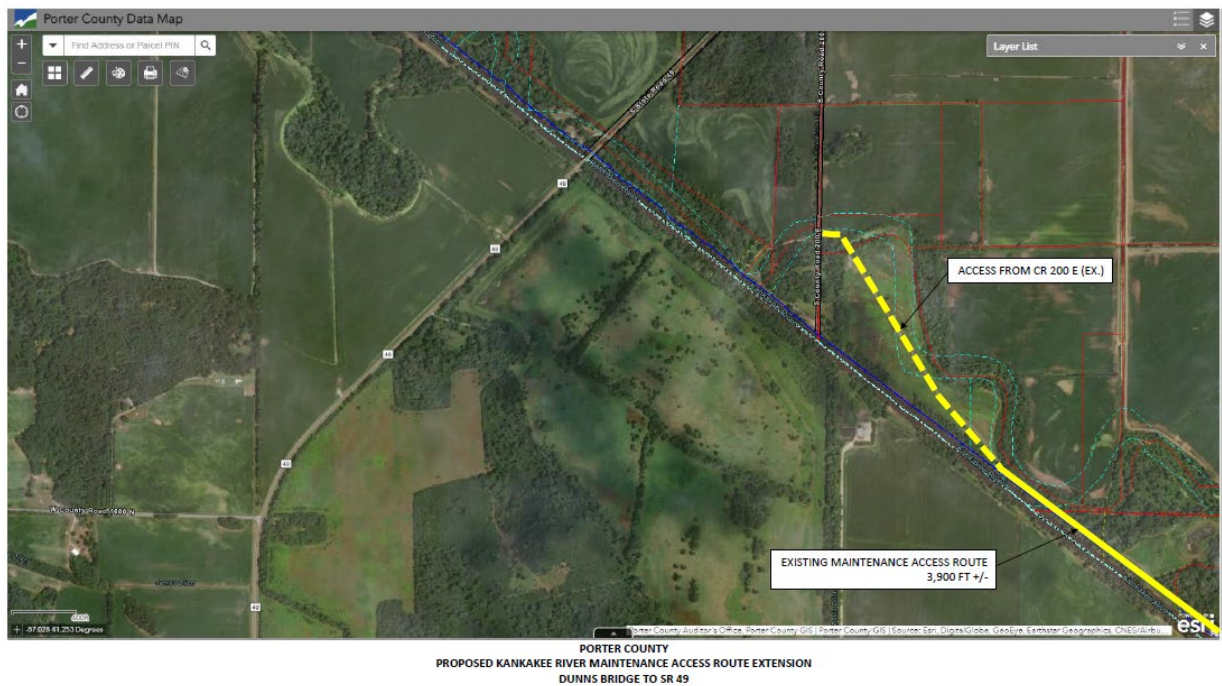
Sheet 1/3



Porter Co. Department of Development & SWM  
December 2020

Sheet 2/3





## ATTACHMENT 6



Mayor  
Mark Senter

124 N. Michigan Street • P.O. Box 492  
Plymouth, Indiana 46563  
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Date: January 14, 2021  
To: Craig Cultice – Marshall County Surveyor  
From: Mark Senter – Mayor City of Plymouth  
Copy: Daniel Kurdziel – VS Engineering  
Ryan Haines – VS Engineering  
Jami Erdmann - INDOT  
Rick Gaul – City Engineering Dept  
Re: LaPorte Street Pedestrian Bridge over the Yellow River  
Plymouth, Indiana  
Des No. 1702837

The City of Plymouth is utilizing VS Engineering to design a bridge rehabilitation project on the Historic Laporte Street Footbridge over the Yellow River. The Yellow River is a regulated drain under the jurisdiction of the Kankakee River Basin & Yellow River Basin Development Commission. Therefore, we are requesting permission to work within the regulated drain easement to rehabilitate the Historic Footbridge. The proposed letting date is 10/14/2021; with a proposed construction start date of 10/15/2021 and a completion date of 12/31/2022.

Attached is a current plan set which shows the scope and limits of the project. Permanent impacts will not be made to the waterway opening, and there will be no change in the elevation or location of the bridge. In general, we are replacing some of the steel members, painting the bridge and placing river bank erosion protection measures. There may be some temporary impacts within the floodway during construction.

Approval has already been received from IDNR and ACOE. And we are waiting the approval of the IDEM 401.

If you have any technical questions; please contact Ryan Haines; phone 260-489-6635 ext 403; [rhaines@vsengineering.com](mailto:rhaines@vsengineering.com).

Thank you for your consideration of our request.

Sincerely,

Mark Senter  
Mayor

Where community and possibility connect



